60TH CONGRESS, 2d Session. | SENATE. | DOCUMENT No. 753.

CERTIFICATE OF THE GOVERNOR OF WISCONSIN RELATIVE TO ELECTION OF ISAAC STEPHENSON.

MARCH 2, 1909.—Ordered to lie on the table and be printed.

Mr. NELSON presented the following certificate of the governor of Wisconsin, with certified copies of the proceedings of the senate and the house of representatives of said State of Wisconsin, relative to the election of Isaac Stephenson as a Senator from that State in the Senate of the United States, commencing March 4, 1909.

I hereby certify that by the statute of the State of Wisconsin the regular session for the legislature thereof is fixed to commence at 12 o'clock m. on the second Wednesday of January, 1909; that the legislature of the State of Wisconsin met on said second Wednesday of January, 1909, to wit, on January 13, 1909, at 12 o'clock m., and was organized pursuant to law; that F. E. Andrews was elected chief clerk of the senate branch of said legislature, and C. E. Shaffer, chief clerk of the assembly branch thereof;

That on the second Tuesday after the meeting and the organization of said legislature, to wit, on Tuesday, January 26, 1909, said legislature met for the purpose of electing a Senator in Congress of the United States from the State of Wisconsin, and that on said date the two houses of said legislature did separately vote for a Senator in Congress of the United States according to the transcripts of the journals of said houses hereto annexed, which transcripts of the journals are certified to by the chief clerks of the respective houses.

I do further certify that at 12 o'clock meridian of the day following, to wit, on January 27, 1909, the members of the two houses convened in joint assembly, and proceedings were had according to the transcript of the senate journal annexed hereto, which is duly certified by F. E. Andrews, its chief clerk.

In witness whereof I have hereunto set my hand and caused the great seal of the State of Wisconsin to be affixed hereto this 25th day of February, A. D. 1909.

J. O. DAVIDSON.
Governor of the State of Wisconsin.

By the Governor:
[SEAL.]
J. A. FREAR,
Secretary of State.

STATE OF WISCONSIN, *Dane County, ss:*

I, F. E. Andrews, chief clerk of the senate branch of the legislature of the State of Wisconsin, the officer who, under the laws of the State of Wisconsin, is required to keep a journal of the proceedings

JK1119 6th ...

of the state senate when in session and in whose custody the original journal of said senate is required to be kept, do hereby certify that the annexed copy of the journal of the senate branch of the legislature of Wisconsin for Tuesday, the 26th day of January, A. D. 1909, has been compared by me with the original journal of the proceedings of said senate on said Tuesday, January 26, 1909, filed in my office and now on file therein, and is a true copy thereof.

In witness whereof I have hereunto set my hand this 1st day of February, A. D. 1909.

F. E. ANDREWS,
Chief Clerk of the Senate Branch of the Legislature of the State of Wisconsin.

[State of Wisconsin. Senate Journal. Forty-ninth session.]

TUESDAY, JANUARY 26, 1909.—9 o'clock a. m.

The senate met.

The president in the chair.

Prayer was offered by Rev. E. A. Gilmore.

The roll was called and the following senators answered to their names:

Senators Barker, Bird, Bishop, Blaine, Bodenstab, Brazeau, Browne, Burke, Donald, Fairchild, Fridd, Gaylord, Hazelwood, Hudnall, Husting, James, Kleczka, Krumrey, Lehr, Lockney, Lyons, Marsh, Martin, Morris, Owen, Page, Pearson, Randolph, Sanborn, Stout, Thomas, Whitehead, and Wright—33.

The journal of Wednesday, January 20th, was approved.

BILLS INTRODUCED.

Read first and second times and referred.

No. 12 (senate). By Senator Thomas. To Committee on towns and counties.

RESOLUTIONS CONSIDERED.

Resolution 3 (senate) was adopted.

Joint resolution 3 (senate).

The motion by Senator Page, that the vote by which joint resolution 3 (senate) was refused adoption, be reconsidered, and that the motion lie over until January 26, 1909, was considered.

The question was, Shall the vote by which the resolution was refused adoption be reconsidered?

The ayes and noes being requested, it was decided in the affirmative: Ayes, 22; noes, 11; absent or not voting, none.

The vote was as follows:

Ayes—Senators Barker, Bishop, Blaine, Brazeau, Browne, Burke, Donald, Fridd, Gaylord, Hazelwood, Husting, Kleczka, Krumrey, Lockney, Lyons, Marsh, Martin, Morris, Owen, Pearson, Randolph, and Sanborn—22.

Noes—Senators Bird, Bodenstab, Fairchild, Hudnall, James, Lehr, Page, Stout, Thomas, Whitehead, and Wright—11.

Absent or not voting—none.

MAY 9 1909

RECESS.

Upon motion of Senator Burke,
The senate took a recess until 3 o'clock p. m.

AFTERNOON SESSION.

3 O'CLOCK P. M.

The senate was called to order by the president.

RESOLUTIONS CONSIDERED.

Joint resolution 3 (senate).
The following substitute was introduced:
Substitute amendment No. 1, S., to Jt. Res. No. 3, S., providing for a legislative investigation of certain specific charges of the improper and illegal use of money and other violations of law at the last primary election.

Whereas, specific charges have been made and herewith transmitted relating to the improper, unlawful, and illegal use of money by a candidate for the nomination to the office of United States Senator; now, therefore, be it

Resolved by the senate, the assembly concurring, That a committee of three senators and three members of the assembly be appointed fully, fairly, thoroughly, and impartially to investigate such charges, and the manner, means and method by which the last primary campaign and primary election were conducted so far as the same relates directly or indirectly to the nomination of candidates for the United States Senate, and members of the senate and assembly who would be called on to vote upon the election of such Senator. Be it further

Resolved, That the permanent presiding officer of the senate and assembly shall appoint the members of such committee from their respective bodies. Be it further

Resolved, That in the exercise of the power conferred upon them, the said committee by subpœna issued over the signature of the chairman or acting chairman of the committee and served in the manner that a circuit-court subpœna is served, the said committee may summon and compel the attendance of witnesses and the production of books, papers, documents, and records necessary or convenient to be examined or used by them as witnesses, and may do all things which may to them appear to be necessary or convenient to a full examination and investigation as directed herein.

The committee shall have power to employ stenographers, clerks, and assistants and such other persons as they may deem necessary to a full and complete examination and investigation as herein directed. The committee shall have power by any member thereof to administer to persons produced or appearing before them as witnesses all necessary oaths and also to punish for contempt as provided by law. Be it further

Resolved, That any person appearing and testifying under oath before such committee, such evidence so given shall not be used as evidence in any criminal prosecution against him in any court, except in a prosecution for perjury committed in giving such testimony. Be it further

Resolved, That such committee shall report to the senate and assembly in full upon such matters with the evidence and their recommendations thereon on or before the first day of April, 1909.

By Senator Blaine.

SPECIFIC CHARGES.

To the Honorable Senate and Assembly of the State of Wisconsin:

I, John J. Blaine, an elector of the State of Wisconsin and a member of the state senate, upon information and belief, do hereby specifically charge and allege:

1. That Isaac Stephenson, of Marinette, Wisconsin, now United States Senator and a candidate for reelection, did, as such candidate for such reelection, give to one E. A. Edmonds, of the city of Appleton, Wisconsin, an elector of the State of Wisconsin and said city of Appleton, a valuable thing, to wit: a sum of money in excess of $106,000, and approximating the sum of $250,000, as a consideration for some act to be done by said E. A. Edmonds in relation to the primary election held on the first day of September, 1908, which consideration was paid prior to said primary election, and that said Isaac Stephenson was at the time of such payment a candidate for the Republican nomination for United States Senator at such primary, and did by such acts as above set forth violate section 4542b of the statutes.

2. That said Isaac Stephenson did, prior to said primary, pay to said Edmonds above-mentioned sums with the design that said Edmonds should pay to other electors of this State out of said sums above mentioned and other sums of money received by said Edmonds from said Isaac Stephenson, prior to said primary, sums ranging from $5 per day to $1,000, in bulk, as a consideration for some act to be done in relation to said primary by said electors for said Isaac Stephenson as such candidate in violation of said section.

3. That with full knowledge and with instructions from said Isaac Stephenson, as to how and for what purposes said sums were to be expended, said sums were so paid as above stated to said Edmonds by said Isaac Stephenson and that said sums were paid as above stated for the purposes above stated and also for the purpose of bribing and corrupting a sufficient number of the electors of the State of Wisconsin to encompass the nomination of said Isaac Stephenson at said primary for the office of United States Senator.

4. That in pursuance of the purposes and design above stated, said Isaac Stephenson did, by and through his agents, prior to said primary, pay to one U. C. Keller, of Sauk County, an elector of this State, the sum of $300 as a consideration for some act to be done by said Keller for said Stephenson preliminary to said primary, corruptly and unlawfully.

5. That in further pursuance of such purposes and design, said Isaac Stephenson, by and through his agents, prior to said primary, paid to one Hambright, of Racine, Wis., large sums of money as a consideration for some act to be done by said Hambright for said Stephenson preliminary to said primary, said Hambright being then an elector of this State, corruptly and unlawfully.

6. That in further pursuance of the purposes and design above stated, said Isaac Stephenson did, by and through his agents, prior to said primary, pay to one Roy Morse, of Fond du Lac, Wis., then an elector of this State, the sum of $1,000 as a consideration for some act to be done by said Morse for said Isaac Stephenson preliminary to said primary, and corruptly and unlawfully.

7. That in further pursuance of such purposes and design said Isaac Stephenson, by and through his agents, prior to said primary, paid to divers persons, then electors of the county of Grant, Wis., ranging from five dollars per day and upward, as a consideration for some act to be done by said several electors for said Isaac Stephenson preliminary to said primary, corruptly and unlawfully.

8. That in further pursuance of such purposes and design, said Isaac Stephenson, by and through his agents, prior to said primary, did pay to divers persons who were at such time electors in this State a consideration for some act to be done for said Isaac Stephenson by such electors preliminary to such primary, corruptly and unlawfully.

9. That in further pursuance of such purposes and designs said Isaac Stephenson, by and through his agents, prior to said primary, did pay to electors of this State, who were of a different political opinion and who held to other political principles than that of the Republican party, more particularly Democrats, sums of money as a consideration for some act to be done by such electors for said Isaac Stephenson preliminary to said primary, corruptly and unlawfully.

10. That in further pursuance of such purposes and design said Isaac Stephenson, by and through his agents, prior to such primary, did offer to pay to Edward Pollock, of Lancaster, Wis., certain sums of money, as editor of the Teller, a newspaper published in said city of Lancaster, Wis., and to other editors of newspapers who were at such time electors of this State, for the purpose of purchasing the editorial support of such editors and as a consideration of some thing to be done relating to such primary, corruptly and unlawfully.

11. That said Isaac Stephenson did, prior to such primary, by and through his agents, promise and agree to pay to one Lester Tilton, a then resident and elector of this State, and residing at the city of Neillsville, Wis., a sum in excess of $500 to procure or aid in procuring the nomination of said Lester Tilton to the assembly of this State from Clark County, and did offer to give to said Lester Tilton a sum in excess of $500 if said Lester Tilton would become a candidate for the assembly from said Clark County if said Lester Tilton would support said Isaac Stephenson for the office of United States Senator, all of which is in violation of sections 4542b and 4543b of the statutes.

12. That said Isaac Stephenson did, by and through his agents, give and promise and pay or agree to pay to other electors of this State sums of money to procure or aid in procuring the nomination of such electors to the senate and assembly of this State other than those electors residing in the district where said Isaac Stephenson resides.

13. That E. M. Heyzer and Max Sells, prior to said primary, being at such time employees of the Chicago & Northwestern Railway Company, a corporation doing business in this State, did contribute and agree to contribute free services as such employees for the purpose to defeat the candidacy of former assemblyman E. F. Nelson, from the district embracing Florence, Forest, and Langlade counties,

for the nomination for assemblyman from said district, all of which was done with the knowledge and consent and under the direction of paid to one Hambright, of Racine, Wisconsin, large sums of money as 492, laws of 1905.

14. That in further pursuance of the purposes and design above set forth said Isaac Stephenson, by and through his agents, did, in addition to paying certain sums as above set forth, offer and agree to pay to electors of this State prior to said primary a premium or bonus to those who in his employ carried their respective precincts in such primary for said Isaac Stephenson as such candidate.

15. That said Isaac Stephenson, if claiming an election by virture of receiving a plurality of votes at such primary, then said Isaac Stephenson has violated chapter 562 of the laws of 1905, by failing and neglecting to file his expense account as provided by said chapter.

16. Charging generally, the primary nomination or election of said Isaac Stephenson was obtained by the use of large sums of money corruptly and illegally, by the violation of sections 4542b, 4543b, and 4678b of the statutes relating to illegal voting, bribery, and corruption, and other laws above set forth relating to elections and primary elections.

Dated January 26, 1909.

Respectfully submitted.

JOHN J. BLAINE,
State Senator, Sixteenth District.

The following amendment to substitute amendment No. 1, S., to Joint Resolution No 3 (Senate) was offered.

Amendment No. 1, S., to substitute amendment No. 1, S., to Joint Resolution No. 3 (Senate). By Senator Page.

That said investigation shall extend to the election of all United States Senators, and all state officers elected in the State of Wisconsin any time during the past ten years.

The question was, Shall amendment No. 1, S., to substitute amendment No. 1, S., to Joint Resolution No. 3 (Senate) be adopted?

The ayes and noes being requested, it was decided in the negative: Ayes, 9; noes, 24; absent or not voting, none.

The vote was as follows:

Ayes—Senators Bird, Bodenstab, Burke, Hudnall, Lehr, Page, Stout, Whitehead, and Wright—9.

Noes—Senators Barker, Bishop, Blaine, Brazeau, Browne, Donald, Fairchild, Fridd, Gaylord, Hazelwood, Husting, James, Kleczka, Krumrey, Lockney, Lyons, Marsh, Martin, Morris, Owen, Pearson, Randolph, Sanborn and Thomas—24.

Absent or not voting—None.

The question then was, Shall substitute amendment No. 1, S., to Joint Resolution No. 3 (Senate) be adopted?

The ayes and noes being requested, it was decided in the affirmative: Ayes, 23; noes, 10; absent or not voting, none.

The vote was as follows:

Ayes—Senators Barker, Bishop, Blaine, Brazeau, Browne, Burke, Donald, Fairchild, Fridd, Gaylord, Hazelwood, Husting, Kleczka, Krumrey, Lockney, Lyons, Marsh, Martin, Morris, Owen, Pearson, Randolph, and Sanborn—23.

Noes—Senators Bird, Bodenstab, Hudnall, James, Lehr, Page, Stout, Thomas, Whitehead, and Wright—10.

Absent or not voting—None.

The question then was, Shall Joint Resolution No. 3 (Senate), as amended, be adopted?

The ayes and noes being requested, it was decided in the affirmative: Ayes, 23; noes, 10; absent or not voting, none.

The vote was as follows:

Ayes—Senators Barker, Bishop, Blaine, Brazeau, Browne, Burke, Donald, Fairchild, Fridd, Gaylord, Hazelwood, Husting, Kleczka, Krumrey, Lockney, Lyons, Marsh, Martin, Morris, Owen, Pearson, Randolph, and Sanborn—23.

Noes—Senators Bird, Bodenstab, Hudnall, James, Lehr, Page, Stout, Thomas, Whitehead, and Wright—10.

Absent or not voting—None.

ELECTION OF UNITED STATES SENATOR.

Senator Burke moved that the Senate proceed to the election of a United States Senator.

Motion prevailed.

Senator Martin moved that, during the pendency of the investigation provided for by joint resolution 3 (senate), any senator who does not wish to vote for a candidate may vote by answering "present."

Motion prevailed unanimously.

The roll was called, and the following senators voted for Hon. Isaac Stephenson:

Senators Bird, Bodenstab, Burke, Fairchild, Hudnall, James, Lehr, Page, Stout, Thomas, Whitehead, and Wright—12.

The following senators voted for Hon. Neal Brown:

Senators Hazelwood, Husting, Pearson, and Randolph—4.

The following senator voted for Hon. Jacob Rummel:

Senator Gaylord—1.

The following senators voted "present:"

Senators Barker, Bishop, Blaine, Brazeau, Browne, Donald, Fridd, Kleczka, Krumrey, Lockney, Lyons, Marsh, Martin, Morris, Owen, and Sanborn—16.

BILLS INTRODUCED.

Read first and second times and referred:

S. 13. By Senator Lockney; to committee on judiciary.

S. 14. By Senator Blaine; to committee on education.

S. 15. By Senator Whitehead; to committee on manufactures and labor.

S. 16. By Senator Brazeau; to committee on state affairs.

S. 17. By Senator Fairchild; to committee on judiciary.

S. 18. By Senator Page; to committee on judiciary.

S. 19. By Senator Brazeau; to committee on state affairs.

S. 20. By Senator Brazeau: to committee on state affairs.

ADJOURNMENT.

Upon motion of Senator Burke,

The senate adjourned.

STATE OF WISCONSIN, *Dane County, ss:*

I, C. E. Shaffer, chief clerk of the assembly branch of the legislature of the State of Wisconsin, the officer who, under the laws of the State of Wisconsin, is required to keep a journal of the proceedings of the state assembly when in session, do hereby certify that the annexed copy of the daily journal of the assembly branch of the legislature of Wisconsin for Tuesday, the 26th day of January, A. D. 1909, has been compared by me with the original daily journal of the proceedings of said assembly on said Tuesday, January 26th, 1909, now in my custody, and is a true copy thereof.

In witness whereof I have hereunto set my hand this first day of February, A. D. 1909.

C. E. SHAFFER,
Chief Clerk of the Assembly Branch of the Legislature of the State of Wisconsin.

[State of Wisconsin. Assembly Journal. Forty-ninth regular session—Thirteenth biennial session.]

TUESDAY, JANUARY 26, 1909—9 A. M.

The assembly met.

The speaker in the chair.

Prayer was offered by Rev. George E. Hunt.

The roll was called and the following members answered to their names:

Messrs. Atwood, Ballard, Barnett, Berner, Bichler, Bradford, Bray, Brew, Brockhausen, Busacker, Buslett, Benj. A. Cady, Virgil H. Cady, Chapple, Chinnock, Cleary, Comstock, Coolidge, Crowell, Culbertson, Curtiss, Daub, Disch, Domachowski, Dorner, Egan, Erickson, Estabrook, Farrell, Fenelon, Fisher, Georgi, Grosse, Haight, Hambrecht, Hammill, Harras, Hoyt, Hughes, Hull, Ingalls, Ingram, Irvine, Johnson, Jones, Kalaher, Kamper, Kay, Kempf, Keup, Keyes, Kimball, Kindlin, Kneen, Kubasta, Kull, Laycock, Ledvina, Lentz, LeRoy, Leuch, Mains, Marquardt, McConnell, Mortensen, Neitzel, Nelson, Onstad, Peterson, Philipps, Pickart, Ramsey, Reader, Reynolds, Roethe, Rollmann, Schmidt, Schwalbach, Scott, Shaw, Frank Smith, Simon Smith, Stack, Stevens, Stewart, Thomas, Towers, Towne, Twesme, Urquhart, Viebhahn, Weber, Wehrwein, Wellensgard, Wells, Whitman, Whittet, Wittig, Zimmerman, and Mr. Speaker—100.

The journal of January 21 was approved.

The speaker announced the appointment of Mr. Hambrecht in place of Mr. Culbertson on the committee on elections, and of Mr. Ballard in place of Mr. Nelson on the committee on Federal relations.

RESOLUTIONS INTRODUCED.

Joint resolution 12 (assembly). By Mr. Johnson. Read, and referred to the committee on roads and bridges.

Resolution 6 (assembly). By Mr. Whittet.

Requesting the superintendent of public property to supply the members and officers of the assembly with stationery.

Resolved, That the superintendent of public property be, and he is hereby, requested to furnish five hundred sheets of letter head paper (ruled or unruled as requested by each member or officer) and three hundred and fifty envelopes, with return card thereon, and with name, address, and district of member on the paper; to be furnished for each member, desk force, postmaster, and sergeant-at-arms; the speaker to be furnished five hundred additional sheets of letter paper and one hundred and fifty additional envelopes; and the chief clerk to be furnished one thousand sheets of letter head paper and five hundred envelopes.

Privileged, by unanimous consent.

Read, and adopted.

BILLS INTRODUCED.

Read first and second times and referred.

No. 28 (assembly). By Mr. Ingalls. To committee on education.

No. 29 (assembly). By Mr. Kamper. To committee on towns and counties.

No. 30 (assembly). By Mr. V. H. Cady. To committee on State affairs.

No. 31 (assembly). By Mr. Wells. To committee on towns and counties.

No. 32 (assembly). By Mr. Harras. To committee on transportations.

No. 33 (assembly). By Mr. Hull. To committee on roads and bridges.

No. 34 (assembly). By Mr. Erickson. To committee on towns and counties.

No. 35 (assembly). By Mr. Erickson. To committee on roads and bridges.

No. 36 (assembly). By Mr. Berner. To committee on manufactures and labor.

No. 37 (assembly). By Mr. Barnett. To committee on cities.

No. 38 (assembly). By Mr. Cleary.

Mr. Cleary moved that all rules interfering with immediate consideration of the bill be suspended, and that it be placed upon its passage at this time.

The motion prevailed, and the rules were suspended by unanimous consent.

The rules were suspended by unanimous consent, and the bill was ordered engrossed and read a third time.

The rules were suspended by unanimous consent, and No. 38, A., was read a third time, and passed.

Mr. Hughes moved that No. 2, S., be recalled from the committee on cities.

Motion prevailed.

So ordered.

On motion by Mr. Hughes the rules were suspended, and the bill was ordered to a third reading.

The rules were suspended, and No. 2, S., was read a third time, and concurred in.

RESOLUTIONS CONSIDERED.

Mr. Kindlin moved that Jt. Res. No. 4, A., be recalled from the committee on elections.

The question was upon the motion of Mr. Kindlin to recall Jt. Res. No. 4, A.,

Joint resolution providing for a legislative investigation of the last primary election.

The ayes and noes being demanded, it was decided in the negative: Ayes, 29; noes, 59; absent or not voting, 12.

The vote was as follows:

Ayes—Messrs. Barnett, Bichler, Bradford, Brockhausen, Busacker, Cady (Virgil), Curtiss, Daub, Estabrook, Farrell, Hull, Johnson, Kamper, Kindlin, Kneen, Lentz, Leuch, McConnell, Pickart, Ramsey, Roethe, Rollmann, Schmidt, Schwalbach, Smith (Simon), Stewart, Towne, Viabahn, and Wells—29.

Noes—Messrs. Atwood, Ballard, Bray, Buslett, Cady (Benj. A.), Chapple, Chinnock, Cleary, Comstock, Coolidge, Crowell, Culbertson, Disch, Egan, Erickson, Fenelon, Fisher, Grosse, Haight, Hambrecht, Hammill, Hoyt, Hughes, Ingalls, Ingram, Irvine, Jones, Kay, Keup, Keyes, Kimball, Kull, Laycock, Ledvina, LeRoy, Mains, Marquardt, Mortensen, Neitzel, Nelson, Onstad, Peterson, Philipps, Reader, Reynolds, Scott, Shaw, Stack, Stevens, Thomas, Towers, Twesme, Urquhart, Wellensgard, Whitman, Whittet, Wittig, Zimmerman, and Mr. Speaker—59.

Absent or not voting—Messrs. Berner, Brew, Domachowski, Dorner, Georgi, Harras, Kalaher, Kempf, Kubasta, Smith (Frank), Weber, and Wehrwein—12.

Mr. Hambrecht moved the reconsideration of the motion to reconsider Jt. Res. No. 4, A.

The ayes and noes being demanded, the question was decided in the negative: Ayes, 7; noes, 81; absent or not voting, 12.

The vote was as follows:

Ayes—Messrs. Barnett, Bradford, Cady (Virgil), Curtiss, Estabrook, Hull, and McConnell—7.

Noes—Messrs. Atwood, Ballard, Bichler, Bray, Brockhausen, Busacker, Buslett, Cady (Benj. A.), Chapple, Chinnock, Cleary, Comstock, Coolidge, Crowell, Culbertson, Daub, Disch, Egan, Erickson, Farrell, Fenelon, Fisher, Grosse, Haight, Hambrecht, Hammill, Hoyt, Hughes, Ingalls, Ingram, Irvine, Johnson, Jones, Kamper, Kay, Keup, Keyes, Kimball, Kindlin, Kneen, Kull, Laycock, Ledvina, Lentz, LeRoy, Leuch, Mains, Marquardt, Mortensen, Neitzel, Nelson, Onstad, Peterson, Philipps, Pickart, Ramsey, Reader, Reynolds, Roethe, Rollmann, Schmidt, Schwalbach, Scott, Shaw, Smith (Simon), Stack, Stevens, Stewart, Thomas, Towers, Towne, Twesme, Urquhart, Viebahn, Wellensgard, Wells, Whitman, Whittet, Wittig, Zimmerman, and Mr. Speaker—81.

Absent or not voting—Messrs. Berner, Brew, Domachowski, Dorner, Georgi, Harras, Kalaher, Kempf, Kubasta, Smith (Frank), Weber, and Wehrwein—12.

On motion of Mr. Ledvina,

The assembly took a recess at 11.55 a. m.

RECESS.

11.55 A. M.

The assembly was called to order by the speaker.

12 O'CLOCK M.

On motion of Mr. Ledvina, the assembly proceeded to—

VOTE FOR A UNITED STATES SENATOR.

Chief Clerk C. E. Shaffer called the roll and the vote was as follows:

Isaac Stephenson, 60.
Neal Brown, 16.
Jacob Rummel, 3.
S. A. Cook, 2.
H. A. Cooper, 1.
J. H. Stout, 1.
John J. Esch, 1.
Blank, 15.
Absent, 1.

The following voted for Isaac Stephenson:

Messrs. Atwood, Ballard (under protest), Bray, Brew, Buslett, Benjamin A. Cady, Chapple, Chinnock, Cleary. Comstock, Crowell, Culbertson, Disch, Dorner, Egan, Erickson, Estabrook, Fenelon, Fisher, Georgi (under protest), Grosse, Haight, Hambrecht, Hammill, Harras, Hoyt, Hull, Ingalls, Irvine, Jones, Kempf, Kubasta, Kull, Laycock, Ledvina, Le Roy, Mains (under protest), Marquardt, McConnell, Mortensen, Nelson, Peterson, Philipps, Reader, Reynolds, Shaw, Frank Smith, Simon Smith (under protest), Stack, Stevens, Thomas, Towers, Twesme, Urquhart, Wellensgard, Wells, Whitman, Whittet, Wittig, and Mr. Speaker—60.

The following voted for Neal Brown:

Messrs. Bichler, Virgil Cady, Domachowski, Farrell, Hughes, Kalaher, Kindlin, Kneen, Lentz, Pickart, Ramsey, Rollmann, Schmidt, Schwalbach, Stewart, and Viebahn—16.

The following voted for Jacob Rummel:

Messrs. Berner, Brockhausen, and Weber—3.

The following voted for S. A. Cook:

Messrs. Barnett and Neitzel—2.

The following voted for Mr. Cooper:

Mr. Zimmerman—1.

The following voted for Mr. Stout:

Mr. Daub—1.

The following voted for Mr. Esch:

Mr. Bradford—1.

The following voted blank:

Messrs. Busacker, Coolidge, Curtiss, Ingram, Kamper, Kay, Keup, Keyes, Kimball, Leuch, Onstad, Roethe, Scott, Towne, Wehrwein—15.

Absent or not voting:

Mr. Johnson—1.

Before the vote was announced,

Mr. Ledvina moved that the sergeant-at-arms be directed to call into the chamber all absentees who might be in the capitol.

Motion prevailed.

So ordered.

The speaker then announced the result of the vote, as hereinbefore recorded.

RETURN TO THE FOURTH ORDER OF BUSINESS.

Jt. Res. No. 13, A. By Mr. Frank Smith.

Joint resolution on the life and services of Judge Romanzo Bunn.

WHEREAS the legislature of Wisconsin, learning with profound sorrow of the death at his home in Madison, January 25, 1909, of Judge Romanzo Bunn, respectfully desires to record a tribute to his memory.

Judge Bunn was a strong type of our best citizenship; and his life was largely given to the cause of the public. In 1860 he served with force and fidelity as a member of the assembly and later for nearly forty years on the state and federal bench, where he acquired the distinction of being a just, upright, and able judge: Therefore, be it

Resolved by the assembly (*the senate concurring*), That this expression of the sentiment of the legislature be incorporated with the official proceedings of this day, and that an engrossed copy hereof be transmitted to the family.

Privileged, by unanimous consent.

Read, and

Unanimously adopted by a rising vote.

On motion of Mr. Hughes the assembly adjourned.

STATE OF WISCONSIN, DANE COUNTY, *ss:*

I, F. E. Andrews, chief clerk of the senate branch of the legislature of the State of Wisconsin, the officer who, under the laws of the State of Wisconsin, is required to keep a journal of the proceedings of the state senate when in session and in whose custody the original journal of said senate is required to be kept, do hereby certify that the annexed copy of the journal of the senate branch of the legislature of Wisconsin for Wednesday, the 27th day of January, A. D. 1909, has been compared by me with the original journal of the proceedings of said senate on said Wednesday, January 27, 1909, filed in my office and now on file therein, and is a true copy thereof.

In witness whereof I have hereunto set my hand this 1st day of February, A. D. 1909.

F. E. ANDREWS,
Chief Clerk of the Senate Branch of the Legislature of the State of Wisconsin.

[State of Wisconsin. Senate Journal. Forty-ninth session.]

WEDNESDAY, JANUARY 27, 1909, 10 O'CLOCK A. M.

The senate met.

The president in the chair.

Prayer was offered by Rev. E. A. Gilmore.

The roll was called and the following senators answered to their names:

Senators Barker, Bird, Bishop, Blaine, Bodenstab, Brazeau, Browne, Burke, Donald, Fairchild, Fridd, Gaylord, Hudnall, Hust-

ing, Kleczka, Krumrey, Lehr, Lockney, Lyons, Marsh, Martin, Morris, Owen, Page, Pearson, Randolph, Sanborn, Stout, Thomas, Whitehead, and Wright—31.

Absent—Senators Hazelwood and James—2.

LEAVE OF ABSENCE.

Upon request of Senator Bird,

Leave of absence was granted to Senator James for this session.

Upon request,

Leave of absence was granted to Senator Whitehead for the rest of the week after this session.

Upon request of Senator Husting,

Indefinite leave of absence was granted to Senator Hazelwood on account of illness.

CORRECTION OF THE JOURNAL.

Senator Hudnall moved that the journal of January 26, 1909, be corrected on page 79 by striking out the motion of Senator Martin and inserting in lieu thereof the following:

PROCEEDINGS OF THE SENATE.

3 P. M., JANUARY 26, 1909.

Senator Randolph inquired if nominations were to be made.

Senator Page replied: "Our candidate was nominated by the people."

The president then ordered the roll to be called. The clerk then began to call the roll, calling the name of Senator Barker.

Senator Barker arose and answered "Blank."

Senator Hudnall arose to a point of order and read from rule 113: "Each house shall openly, by a viva voce vote of each member present, name one person for senator in Congress," and said that Senator Barker's vote for "Blank" was not for a person. The president ruled the point of order well taken, and said that Senator Barker would have to vote for some person.

Senator Barker arose and answered "Blank."

The president, after some discussion, ruled that Mr. Blank was not a person, and stated that Senator Barker would have to vote for some person.

Senator Barker then asked to be excused from voting.

Senator Randolph then moved that the senator (Barker) be excused from voting.

The president then put the question: "Does the senate excuse Senator Barker from voting?"

On a viva voce vote (the roll not being called nor requested) the president announced the motion lost and that the senate declined to excuse Senator Barker from voting.

Senator Gaylord moved that we have a roll call on the motion of Senator Randolph.

Senator Hudnall raised the point of order that the request for a roll call came too late, as the result of the vote had been announced.

The president ruled the point well taken, but stated that he had no desire to be technical, and would allow a roll call.

Senator Hudnall then raised the point of order that under rule 67 the senate could not excuse senators from voting at that time, as "the house had commenced voting."

The president ruled the point well taken and that the motion of Senator Gaylord was out of order.

Senator Martin then moved: "That every senator in this body be excused from voting for anyone else except Mr. Blank during the pendency of this investigation, if he so desires.

The president stated: "The chair believes that the votes must be for eligible candidates for the United States Senate."

Senator Page moved that "The senator from the 33d be granted a leave of absence from this session."

Senator Owen moved "That rule 67 be suspended."

After some discussion Senator Owen moved: "That rule 67 be suspended so far as it relates to this election of United States Senator until after this investigation is concluded."

Senator Hudnall then withdrew his point of order, stating that he had no objection to Senators answering "present" as their names were called, if they did not desire to vote for any person for United States Senator.

Senator Martin moved that: "Any Senator may simply answer "Present" and not vote during the pendency of this investigation if he so desires when his name is called."

Senator Gaylord moved an amendment that it is the sense of the Senate that the Journal record shows substantially the intention of the Senate in the matter of the vote on the United States Senator.

A point of order was made by Senator Hudnall that the motion was out of order.

The President ruled that the point was well taken and that the motion was out of order.

Senator Fairchild moved that the motion to correct the Journal be amended by adding to the last paragraph as a new paragraph the following:

The President then stated that the motion of Senator Martin is "That Senators be allowed to vote present instead of for an eligible individual or candidate."

Which amendment was accepted by Senator Hudnall.

The question was, Shall the Journal be corrected as stated in motion by Senator Hudnall as amended?

The ayes and noes being requested, it was decided in the negative: Ayes, 13; noes, 18; absent or not voting, 2.

The vote was as follows:

Ayes—Senators Bird, Bodenstab, Brazeau, Burke, Fairchild, Hudnall, Lehr, Lyons, Page, Stout, Thomas, Whitehead, and Wright—13.

Noes—Senators Barker, Bishop, Blaine, Browne, Donald, Fridd, Gaylord, Husting, Kleczka, Krumrey, Lockney, Marsh, Martin, Morris, Owen, Pearson, Randolph, and Sanborn—18.

Absent or not voting—Senators Hazelwood and James—2.

The question then was, Shall the Journal, as printed, be approved?

The ayes and noes being requested, it was decided in the affirmative: Ayes, 18; noes, 13; absent or not voting, 2.

The vote was as follows:

Ayes—Senators Barker, Bishop, Blaine, Browne, Donald, Fridd, Gaylord, Husting, Kleczka, Krumrey, Lockney, Marsh, Martin, Morris, Owen, Pearson, Randolph, and Sanborn—18.

Noes—Senators Bird, Bodenstab, Brazeau, Burke, Fairchild, Hudnall, Lehr, Lyons, Page, Stout, Thomas, Whitehead, and Wright—13.

Absent or not voting—Senators Hazelwood and James—2.

And the Journal of Tuesday, January 26, 1909, was declared approved.

Senator Whitehead moved that the clerk record in the Journal hereafter all points of order made and the rulings of the chair thereon.

Motion prevailed.

Senator Sanborn moved that the charge against the Journal clerk and that question of having official stenographer to take daily proceedings be referred to the Committee on Legislative Expenditures and Employees.

Motion prevailed.

LETTERS, PETITIONS, ETC.

Pet. No. 4, S. By Senator Hudnall. To Committee on Roads and Bridges.

Pet. No. 5, S. By Senator Hudnall. To Committee on Judiciary.

Pet. No. 6, S. By Senator Hudnall. To Committee on Judiciary.

Pet. No. 7, S. By Senator Hudnall. To Committee on Judiciary.

Pet. No. 8, S. By Senator Hudnall. To Committee on Judiciary.

Pet. No. 9, S. By Senator Hudnall. To Committee on Judiciary.

Pet. No. 10, S. By Senator Hudnall. To Committee on Judiciary.

RESOLUTIONS INTRODUCED.

Jt. Res. No. 5, S., relating to the nationalization of trusts and monopolies.

Whereas, so long as machinery is simple and esaily handled by one man, its owner can not dominate the sources of life of others; and conversely, when machinery becomes more complex and expensive, and requires for its effective operation the organized efforts of many workers, its influence reaches over wide circles of life, and the owners of such machinery become the dominant class; and

Whereas electricity, steam, and great water powers used in connection with the multitude of modern inventions have struck the deathblow to manufacturing on a small scale, and manufacturing on a large scale makes monopoly an inevitable condition of the proper use of modern machinery, thus creating trusts and monopolies in the nature of the present industrial and commercial process, and producing a situation in which fully nine-tenths of the business transactions of the United States are handled by corporations; and

Whereas twenty-five years of attempted regulation of these corporations has resulted in a confession by the President of the United States of the impotence of the present state and federal governments in the presence of these titanic industrial and commercial forces; and

Whereas it is impossible to control the property of one man for the benefit of other men, or to control the property of one part of

society for the benefit of the whole of society, without violating the very meaning of property and private ownership; and

Whereas the private ownership of the great monopolies and trusts interferes with the proper use of these necessary social utilities, producing coal famines, railroad wrecks, insanitary and deadly industrial conditions, and a chronic state of unemployment among the useful workers: Now, therefore, be it

Resolved by the senate, the assembly concurring, That the State of Wisconsin do hereby instruct its representatives in the National House of Representatives and in the United States Senate to introduce such measures and to take such action as shall be calculated to bring about the collective ownership of all industries which are organized on a national scale and in which competition has virtually ceased to exist, to the end that the property involved in these industries may be freely used for the advantage and benefit of the whole people.

By Senator Gaylord. To committee on manufactures and labor.

Jt. Res. No. 6. S.. relating to the abrogation of extradition treaty with Russia.

Whereas the present extradition treaty now existing between the United States of America and the private government of the Czar of Russia is being used for the purpose of persecuting political refugees from that land of oppression; and

Whereas the United States has always been and of right ought to be forever an asylum for those oppressed by the despots of all lands: Now, therefore, be it

Resolved by the senate, the assembly concurring, That the legislature of Wisconsin hereby requests that the Wisconsin members of the United States Senate take such action at once as shall lead to the abrogation of the treaty under which these persecutions are being carried forward. and the drafting of a new treaty under which political crimes shall not be made the motive for persecuting those who are seeking to escape from the darkness and despotism of other lands; and be it also

Resolved, That the secretary of state be instructed to transmit a copy of these resolutions to each of the members of the United States Senate from Wisconsin and to the President of the United States.

By Senator Gaylord. To committee on federal relations.

Jt. Res. No. 7, S., relating to national constitutional convention.

Whereas the present Constitution of the United States was conceived and drafted under conditions which existed over one hundred years ago, which conditions no longer exist for the greater part; and

Whereas it was never adopted by popular vote of the citizens of this nation, but by a restricted suffrage indirectly expressed; and

Whereas the growing needs and powers of the people of the land are compelling Congress and the federal and other courts to seek authority for new duties and remedies for new ills in forced constructions of passages which when framed could not possibly have had the meaning now ascribed to them; and

Whereas abuses of property and other rights, as well as friction between the various departments of the Government, have inevitably arisen and must increase under these conditions: Now, therefore, be it

Resolved by the senate, the assembly concurring, That the legislature of Wisconsin appeal to the other state governments of the

United States, that they shall unite with this State in calling a national constitutional convention, as prescribed by Article V of the Constitution of the United States; and be it also

Resolved, That a copy of this resolution shall be transmitted by the secretary of state of Wisconsin to the governors and legislatures of the various States of the Union.

By Senator Gaylor. To committee on federal relations.

Joint resolution 8 (senate), relating to the abolition of United States Senate.

Whereas the United States Senate has been proven by the history of this nation to be not a proper organ of democratic or even of representative government, because of the following facts:

(*a*) Its members can not be impeached;

(*b*) Its powers are extraordinary, giving it, together with the President, control over the appointing and treaty-making power, the latter enabling it to repeal a law enacted with the concurrence of the House of Representatives without the consent of the latter being given to such repeal;

(*c*) It is so constituted as to give equal representation to unequal elements, since smaller States, like Nevada and Rhode Island, have equal representation therein with New York and Pennsylvania;

Whereas the effort of large corporate and property interests to control the United States, compels them to seek the control also of the state legislatures by which the members of the Senate are chosen, thus furnishing a fruitful incentive to political corruption, and compelling members of the Senate who wish to retain their seats to exert an influence upon state politics which has most often been baneful in its nature; and

Whereas even the attempt to correct some of these evils by the nomination of Senators by direct vote of the people in the primary election is believed to have been the means of causing the corruption of the primaries; and

Whereas the long term of the members of the United States Senate gives to that body an overwhelming control, not only upon legislation but also upon the political action of the nation, removing it so much the more from the influence of the popular will; and

Whereas the Constitution of the United States offers no convenient means of a reform of these abuses so long as the United States Senate exists: Now, therefore, be it

Resolved by the senate, the assembly concurring, That the legislature of the State of Wisconsin does hereby appeal to the great sisterhood of States constituting this nation that they present to the Congress of the United States the mandate of at least two-thirds of the sisterhood of States, to the end that an amendment to the Federal Constitution shall be adopted abolishing the United States Senate, and make such other changes as may be necessary to conform the government to that change.

By Senator Gaylor. To committee on federal relations.

Joint resolution 9 (senate), relating to the unemployed.

Whereas the people of the United States are at this moment in the midst of one of those industrial breakdowns which periodically paralyze the life of this and other nations; and

Whereas in the nature of the industrial and commercial system now prevailing this unemployment of useful workers tends to become increasingly chronic, producing inevitably among the workers that habit of idleness and loss of self-respect which is found in the slum dweller and the tramp; and

Whereas the nation is now suffering under the burden of an increase in crime the like of which is known in no other civilized land, due, in this land and time, as in others recorded in history, to the failure to provide a proper and legitimate field for the activity of its people: Therefore, be it

Resolved by the senate, the assembly concurring, That the senate of the State of Wisconsin, the assembly concurring, do hereby instruct its elected members of the National House of Representatives and in the United States Senate to introduce and forward by all proper means within their power, such measures as shall be calculated to bring about—

(1) The immediate government relief for the unemployed workers by the building of schools, by reforesting of cut-over and waste lands, by reclamation of arid tracts, by the building of canals, and by the extension of all other useful public works; all persons employed on such works to be employed directly by the Government under an eight-hour work day and at the prevailing union wages.

(2) The loan by the Government of money to States and municipalities, without interest, for the purpose of carrying on public works.

(3) Immediate contributions by the Government to the funds of labor organizations for the purpose of assisting their unemployed members, as is done in other civilized countries.

(4) The establishment of a government policy which shall promote such other measures within its power as will tend to lessen the widespread misery of the workers caused by the impotence or negligence and misrule of the irresponsible owners of the sources and means of national wealth.

By Senator Gaylord. To Committee on Manufactures and Labor

Jt. Res. No. 10, S., relating to the liquor traffic.

Whereas the liquor traffic constitutes a social and economic problem that requires the most careful study on the part of all who are interested in the common welfare and especially on the part of those who are attempting to legislate with reference to the matter; and

Whereas practically every measure so far advanced upon the subject has entirely overlooked the tremendous effect of economic condition upon the working class, the poor wages, the long hours, the unsanitary and physically depressing conditions in the places of employment, the cheap adulterated food, and above all the housing of the working class in unhealthy, cheerless, comfortless hovels; and

Whereas these conditions taken together constitute, according to all scientific students of the subject, the most constant and powerful influence in creating and extending the evils of intemperance; and

Whereas it has been proven that where these conditions have been bettered by the increase in wages, shortening of hours, and improvement of conditions of labor, intemperance, and the evil of the saloon, have been lessened in that proportion; and

Whereas under the present economic conditions it is admitted and emphasized by every scientific and legislative investigation made

that the saloon serves a very important and vital social function in our present society, especially in the cities, by offering to the working class a center of sociability, of warmth and cheer, of music and games, where they may read the papers and join in discussions, where they may even secure free food and some of the conveniences denied them in their homes, all at a price within their reach; and

Whereas this social function constitutes an absolute necessity and a positive right of the common people which can not and ought not to be destroyed until either the municipality or the state shall find some way of separating this function from the private control of the saloon and establishing other centers of social life and amusement for the people that shall be in every way equal to and if possible superior in value and attractiveness; and

Whereas it is conceded that the adulteration of liquors and the use of the strongly alcoholic drinks constitutes the most serious evil of the liquor traffic; and

Whereas several methods of dealing with the liquor traffic are being urged in different directions, all of which fail in one or another respect to go to the root of the matter: for example, the public ownership and control of the wholesale and manufacturing part of the business by the government in Switzerland fails to properly regulate the retailing of liquor, thus leaving the evil effects of private management at that point; or again, the state dispensary system in South Carolina, which is urged by some, provided that the 384 officials of the system in that state should all be appointed, thus creating a most dangerous political machine in connection with one of the most dangerous monopolies; or again, the Gothenburg system of Norway and Sweden provides for the assumption of the retail or distributing business of the saloon by private companies, which in itself is objectionable, and besides leaves the wholesale and the manufacturing part of the business in the hands of a great monopoly whose evil influence is constantly operating against the good purposes of the system; therefore be it

Resolved by the senate, the assembly concurring, That a special committee consisting of two senators appointed by the president of the senate, and three assemblymen appointed by the speaker of the house, shall be selected for the purpose of investigating all the different forms of public ownership, control, and regulation now in use in any part of the world, and report to the next legislature some method of public ownership and regulation that will be best adapted to the social conditions and needs of the people of our state.

By Senator Gaylord. To Committee on State Affairs.

Jt. Res. No. 11, S., asking Congress of the United States to enact into law H. R. 39.

Whereas it has come to the knowledge of the legislature of the State of Wisconsin that a measure is pending before the Congress of the United States (H. R. No. 39) intending to extend the limits of the Shiloh National Military Park for the purpose of showing, by appropriate markers, the movements of the confederate army in its approach to Shiloh, and the movements of the Union Army, under General Halleck, in its advance from Shiloh to Corinth, and for making the said park accessible at all times to those who desire to visit it; and

Whereas this State, as well as the Government of the United States, the States of Illinois, Indiana, Iowa, Minnesota, Pennsylvania, Ohio, Alabama, and Tennessee have expended large sums of money by erecting monuments therein and otherwise beautifying the same; it is therefore

Resolved, That the legislature of the State of Wisconsin respectfully asks and urges the Congress of the United States to, at the earliest moment practicable, enact said H. R. bill No. 39 into law, so as to enable as many people as possible to visit this beautiful park made historic by one of the most sanguinary battles fought during the civil war.

Resolved, That a copy of these resolutions be transmitted by the secretary of state to the Senate of the United States and to the House of Representatives of the United States and to each of the Senators and Representatives from this State.

By Senator James. To Committee on Military Affairs.

Joint Resolution No. 12 (senate), asking the Congress of the United States to refuse to enact the measure now pending, relating to United States pension agencies.

Whereas it has come to the notice of the legislature of the State of Wisconsin that a measure is pending before the Congress of the United States which aims at the removal of seventeen United States pension agencies from their present locations throughout the country, to the city of Washington, D. C.; and

Whereas these pension agencies were established years ago for the convenience and accommodation of then only two hundred and thirty-two thousand pensioners of the United States; and

Whereas the number of pensioners has since that time increased to nearly one million (being 951,687, June 30, 1908), and as this number is likely to further increase, owing to legislation, affecting widows, enacted April 19, 1908; and

Whereas this legislature is informed that all of the pensioners of the United States are vigorously protesting against this proposed centralization, consolidation, and removal to Washington, D. C., of these seventeen pension agencies, as inimical to their interest and convenience, it is therefore

Resolved by the senate, the assembly concurring, That the legislature of the State of Wisconsin respectfully asks the Congress of the United States to refuse to enact such a measure, being fully convinced that the system at present in use, to which all pensioners have now become accustomed, will better subserve the interests of this vast body of pensioners, who, owing to their services to the country as well as to their advanced age, are certainly entitled to consideration of their views and wishes, on a measure that so vitally affects them.

Resolved, That a copy of these resolutions be transmitted by the secretary of state to the Senate of the United States and to the House of Representatives of the United States and to each of the Senators and Representatives from this State.

By Senator James. To Committee on Military Affairs.

Joint Resolution No. 13 (senate), to amend section 1 of Article IV of the constitution, relating to legislative power.

Resolved by the senate, the assembly concurring, That section 1, of Article IV of the constitution be amended by striking out said

section 1 and inserting in lieu thereof the following, so that when so amended the said section shall read as follows:

Section 1. The legislative power shall be vested in a senate and assembly, but the people reserve to themselves power to propose laws and to enact or reject the same at the polls independent of the legislature; and also reserve power at their own option to approve or reject at the polls any act of the legislature. The first power reserved by the people is the initiative, and not more than ten per cent of the legal voters shall be required to propose any measure by petition, and every such petition shall include the full text of the measure so proposed. The initiative petition shall be filed with the secretary of state not less than four months before the election at which they are to be voted upon. The second power is the referendum, and it may be ordered (except as to laws necessary for the immediate preservation of the public peace, health or safety or public emergency) by petition signed by at least five per cent of the legal voters. The referendum shall be filed with the secretary of state not more than ninety days after the final adjournment of the session of the legislature which passed the bill on which the referendum is demanded. All elections on measures referred to the people shall be had at the biennial regular general elections and at such other elections as the legislature may prescribe. Any measure referred to the people shall take effect and become the law when it is approved by the majority of the votes cast thereon, and not otherwise.

The style of all measures proposed by initiative shall be: "Be it enacted by the people of the State of Wisconsin." This section shall not be construed to deprive any member of the legislature of the right to introduce any measure, or to deprive the legislature of the right to repeal any law, propose or pass any measure which may be consistent with the constitution of the State or the Constitution of the United States. The whole number of votes cast for governor at the regular biennial election last preceding the filing of any petition for the initiative or for the referendum shall be the basis on which the number of legal voters necessary to sign such petition shall be counted. The powers herein reserved to the people for the State at large are hereby further reserved to the legal voters of every locality as to all local legislation or action for the respective localities. The powers herein reserved to the people to propose laws and to enact or reject the same are hereby further reserved to the legal voters of the State, the power to propose amendments to the constitution in the same manner as herein provided for the initiative and referendum. The veto power of the governor shall not extend to measures referred to the people as herein provided. The legislature shall, at the session of the legislature immediately following the adoption of the above constitutional amendment, enact laws carrying into effect the provisions of this section and facilitating its operation, and in the event of the failure of the legislature to enact such laws the governor by the executive order shall make such rules and regulations as may be necessary for carrying these provisions into effect.

By Senator Blaine. To Committee on Judiciary.

Jt. Res. No. 14, S., To amend section 6 Article V of the constitution relating to reprieves and pardons and creating a board of pardons.

Resolved by the senate, the assembly concurring, That section 6 of Article V of the constitution be amended by striking out all of said section 6 and inserting in lieu thereof the following section, so that when so amended the said section shall read as follows:

Section 6. The legislature shall establish a board of pardons to consist of the governor, the attorney-general and the chief justice of the supreme court of the State of Wisconsin, and two qualified electors, who shall be appointed by the governor with the consent of the senate, to remit fines and forfeitures, to grant reprieves, commutations and pardons after conviction or on a plea of guilty for all offenses except treason and cases of impeachment, subject to such regulations as may be provided by law. Not more than three of such board of pardons shall belong to the same political party. Upon conviction for treason the governor shall have the power to suspend the execution of the sentence until the case shall be reported to the legislature at its next regular meeting when the legislature shall either pardon or commute the sentence, direct the execution of the sentence, or grant a further reprieve. The governor shall annually communicate to the legislature at each regular session each case of remission of fine, reprieve, commutation or pardon granted by the board of pardons, stating the name of the convict, the crime for which he is convicted, the sentence and its date, and the date of the remission, commutation, pardon, or reprieve, with the reasons of the board for granting the same. The legislature shall by law establish rules and regulations governing the remissions of fines and forfeitures and the granting of reprieves, commutations, and pardons, and until such rules and regulations are established, the constitutional provision and laws relating to reprieves and pardons shall be operative.

By Senator Blaine. To the Committee on Judiciary.

BILLS INTRODUCED.

Read first and second times and referred.

No. 21, S. By Senator Gaylord. To Committee on State Affairs.
No. 22, S. By Senator Gaylord. To Committee on Taxation.
No. 23, S. By Senator Gaylord. To Committee on State Affairs.
No. 24, S. By Senator Gaylord. To Committee on State Affairs.
No. 25, S. By Senator Gaylord. To Committee on Transportation.
No. 26, S. By Senator Gaylord. To Committee on State Affairs.
No. 27, S. By Senator Gaylord. To Committee on Villages and Cities.

RECESS.

Upon motion of Senator Sanborn the senate took a recess until 12 o'clock m.

12 O'CLOCK M.

The senate was called to order by the president.
The senate repaired to the assembly chamber.

ELECTION OF UNITED STATES SENATOR.

(In joint convention.)

Lieutenant-Governor John Strange, president of the senate, called the joint convention to order and said:

GENTLEMEN OF THE JOINT CONVENTION: You are assembled here for the purpose of expressing your choice for a United States Senator. In order to comply with the federal law the clerk of the senate and the clerk of the assembly will read from the journal of each house, respectively, the proceedings of the preceding day with reference to the election of a United States Senator.

The chief clerk of the senate read the journal of the senate of January 26, 1909.

And the chief clerk of the assembly read the journal of the assembly of January 26, 1909.

The president then said:

The clerk will call the roll, and as your names are called you will arise from your seats and announce the candidate of your choice.

SENATOR HUDNALL. I rise to protest against any other proceeding being taken in this joint assemblage at this time except the announcement of the presiding officer that Hon. Isaac Stephenson is elected to the United States Senate for the term commencing March 4, 1909. I do that for the reason that it appears from the journal of the senate that the total number of votes cast for persons was 17, of which Isaac Stephenson received 12, Neal Brown 4, and Jacob Rummel 1, and the journal of the assembly shows that of the members who voted for persons there were 60 for Isaac Stephenson, 16 for Neal Brown, and 3 for Jacob Rummel, and therefore it appearing from the journals of both senate and assembly that Isaac Stephenson received a majority of all of the votes cast in each house, it devolves then upon the president of this joint assembly to declare Isaac Stephenson duly elected to the United States Senate, and then the duty devolves upon the president of the senate and the speaker of the assembly to certify his election to the governor and to the secretary of state, and they to certify his election to the United States Senate. Any other proceeding is out of order and nugatory.

PRESIDENT. Does the senator raise that as a point of order?

Senator HUDNALL. As a protest and as a point of order.

PRESIDENT. As a point of order, if the chair decided it, he would hold it not well taken.

Senator HUDNALL. May I inquire what is done with it as a protest?

PRESIDENT. The chair is a little more familiar with a protest of commercial paper than with a protest of that character. The chair will be obliged to hold that the senator is out of order in his protest, and out of order——

Senator HUDNALL. The gentleman whose name appears upon the back of this paper is a millionaire.

PRESIDENT. Well, he probably does not know anything about protests. Nominating speeches for candidates for the United States Senatorship will be now in order.

Senator OWEN. I move that the joint session do now proceed to ballot for United States Senator.

PRESIDENT. The clerk will call the roll upon motion made by the senator from the tenth. The question will then be upon the motion made by the senator from the tenth that we now proceed to a ballot for United States Senator.

Senator HUDNALL. I call for the ayes and noes on that question. That would be in accordance with my protest and my point of order, and I desire simply to have the record show it.

PRESIDENT. Under the rule it requires that one-sixth to favor the motion. Sufficient members have arisen.

Senator BLAINE. I rise to a point of order. The proceeding under which the election of United States Senator takes place is prescribed by law and provides that we shall proceed to elect a United States Senator. Therefore the motion to proceed to the election of Senator is not necessary and is out of order.

PRESIDENT. The point of order is well taken.

Senator OWEN. I withdraw my motion.

SENATOR FROM THE SEVENTH. I rise to another point of order. I do not believe that the gentleman has a right to withdraw his motion without the consent of the assembly, having been placed before the assembly.

PRESIDENT. The point of the senator from the seventh is well taken. The question then is upon the adoption of the motion made by the senator from the tenth.

Senator BLAINE. I would like a ruling upon my point of order.

PRESIDENT. The chair was disposed to say the point of order was not well taken, but the chair wants everything possible to develop to indicate the sentiment, and it is not the purpose of the chair to be technical. The chair will rule that the point of order is not well taken.

Senator OWEN. I have withdrawn my motion.

Mr. INGRAM. I will say I understood there was no second to the motion of the gentleman, and secondly he is entitled to withdraw his motion according to parliamentary practice.

Senator HUDNALL. It does not require any second.

Senator PAGE. I would say that the fact that a sufficient number rose to demand an aye and no vote is at any time a sufficient second to any motion.

Mr. HAMBRECHT. I would like to answer the gentleman who made the remark that a second was required for the withdrawal, that when the chair entertains the motion a second is not required.

Mr. LEDVINA. I call your attention to rule 64, page 91, which covers the point, "Any motion may be withdrawn by consent of the house before division or amendment."

Senator HUSTING. I rise to a point of order. The senator should be permitted to withdraw his motion for the reason that his motion was out of order. The statute prescribes the method by which a United States Senator should be elected. For instance, suppose this house in joint assembly should vote it down; that we should not proceed to the election of senator, there would be a plain violation of the statute. The statute prescribes the order of proceeding and nothing intervenes between the convening of the joint assembly and the taking of the vote. Everything else is out of order.

PRESIDENT. The chair is inclined to agree with the senator from the thirteenth, as right, and will so rule. It is in order now that we

proceed to the balloting for United States Senator. Members will rise and express their choice as their names are called.

Chief Clerk C. E. Shaffer, of the assembly, called the roll of the joint convention, and the vote for United States Senator was as follows:

Total number of votes cast, 131.

Of which Isaac Stephenson received 65; Neal Brown, 21; Jacob Rummel, 4; John S. Donald, 1; H. A. Cooper, 11; John J. Esch, 7; W. D. Hoard, 2; John Strange, 1; J. H. Davidson, 2; Walter Owen, 3; Henry Lockney, 1; S. A. Cook, 4; J. H. Stout, 2; E. A. Edmunds, 1; L. H. Bancroft, 1; C. E. Estabrook, 1; C. M. Webb, 1; I. L. Lenroot, 1; F. E. McGovern, 1; and M. J. Cleary, 1.

The following voted for Isaac Stephenson:

Senators Bird, Bodenstab, Burke, Fairchild, Hudnall, Lehr, Lyons, Page, Stout, Thomas, Whitehead, and Wright.

Messrs. Atwood, Ballard, Bancroft, Bray, Brew, Buslett, Cady, Benjamin A.; Chapple, Chinnock, Cleary, Culbertson, Disch, Egan, Erickson, Fenelon, Fisher, Georgi (under protest), Grosse, Hambrecht, Hammill, Harras, Hoyt; Hull, Ingalls, Irvine, Jones, Kempf, Kubasta, Kull, Laycock, Ledvina, Le Roy, Mains, Marquardt, Nelson, Peterson, Philipps, Reader, Reynolds, Shaw, Smith, Frank; Smith, Simon (under protest); Stack, Stevens, Thomas, Towers, Twesme, Urquhart, Wehrwein, Wellensgard, Whitman, Whittet, and Wittig—65.

The following voted for Neal Brown:

Senators Husting, Pearson, and Randolph.

Messrs. Bichler, Cady, Virgil; Domachowski, Farrel, Hughes, Kalaher, Kindlin, Kneen, Lentz, Pickart, Ramsey, Rollmann, Schmidt, Schwalbach, Stewart, Towne, and Viebahn—21.

The following voted for Jacob Rummel:

Senator Gaylord, and Messrs. Berner, Brockhausen, and Weber—4.

The following voted for John S. Donald:

Senator Barker—1.

The following voted for H. A. Cooper:

Senators Bishop, Blaine, Kleczka, Krumrey and Martin.

Messrs. Comstock, Coolidge, Curtiss, Kamper, Wells and Zimmerman—11.

The following voted for John J. Esch:

Senators Brazeau, Marsh and Morris.

Messrs. Bradford, Busacker, Leuch and McConnell—7.

The following voted for W. D. Hoard:

Senator Browne, and Mr. Onstad—2.

The following voted for John Strange:

Senator Donald—1.

The following voted for J. H. Davidson:

Senator Fridd, and Mr. Crowell—2.

The following voted for Walter Owen:

Senator Lockney, and Messrs. Kay and Keyes—3.

The following voted for Henry Lockney:

Senator Owen—1.

The following voted for E. A. Morse:

Senator Sanborn—1.

The following voted for S. A. Cook:
Messrs. Barnett, Kimball, Mortensen and Neitzel—4.
The following voted for J. H. Stout:
Messrs. Daub and Dorner—2.
The following voted for E. A. Edmunds:
Mr. Estabrook—1.
The following voted for L. H. Bancroft:
Mr. Haight—1.
The following voted for C. E. Estabrook:
Mr. Ingram—1.
The following voted for C. M. Webb:
Mr. Keup—1.
The following voted for I. L. Lenroot:
Mr. Johnson—1.
The following voted for F. E. McGovern:
Mr. Roethe—1.
The following voted for M. J. Cleary:
Mr. Scott—1.
The following remarks were made as the roll was called:

Senator Barker: Mr. President, owing to the senatorial investigation, I to-day cast my vote for John S. Donald, of Madison.

Senator Bishop: Pending the investigation now before the Wisconsin legislature, I cast my vote for the Hon. Henry Allen Cooper.

Senator Blaine: Mr. President, awaiting the result of the investigation as proposed by the state senate, I to-day cast my vote for the Hon. Henry Allen Cooper.

Senator Lyons: Owing to the promise to my constituency, Isaac Stephenson.

Mr. Ballard: In view of the fact of the action taken by the members of the assembly this morning in regard to the resolution for investigation, I vote at this time for Gustave Kuesterman.

Mr. Comstock: Owing to the investigation at this time, I vote for the Hon. Henry Allen Cooper.

Mr. Dorner: Pending investigation, I vote for Hon. James H. Stout, of Menominee.

Mr. Georgi: Mr. President, having due regard for the primary election law, and not knowing of any candidate otherwise than the one elected at the primary election, I feel bound, contrary to my own opinion, to vote for Isaac Stephenson, but I do so under protest.

Mr. Hambrecht: Mr. President, owing to the fact that the people of the State of Wisconsin have placed in nomination at their primary election a man, I feel in duty bound to recognize that and vote for Isaac Stephenson.

Mr. Ingram: Mr. President, pending the investigation, I desire at this time to cast my vote for Gen. Charles E. Estabrook, of Milwaukee.

Mr. Johnson. Pending the investigation of this matter, I wish to cast my vote for the Hon. Irvine Lenroot.

Mr. Kamper. Mr. President, pending the investigation at this time, I desire to vote for Henry Allen Cooper.

Mr. Kubasta. In conformity with the primary election law and wishes of my constituency and those in Wisconsin, I vote for Isaac Stephenson.

Mr. LEDVINA. Mr. President, in conformity with the primary election law, I vote for Isaac Stephenson.

Mr. LEUCH. Mr. President, I came down here yesterday morning with a firm conviction of voting for Isaac Stephenson for United States Senator, but I had also pledged my constituents in my district that if any specific charges were preferred against Mr. Stephenson I would not vote for him until that investigation was disposed of. I am therefore bound to vote for John J. Esch at this time.

Mr. MAINS. Isaac Stephenson, under protest.

Mr. MORTENSON. Mr. President, yesterday I unqualifiedly cast my vote for Isaac Stephenson. In the light of attendant circumstances and the resolution pending before this assembly at the present time, I request that my vote at this time be cast for Samuel A. Cook.

Mr. ROETHE. Mr. President, I cast my vote for the man that carried my district in the primaries, Hon. Francis E. McGovern, of Milwaukee.

Mr. FRANK SMITH. Mr. President, owing to the fact that we have a primary election law in this State, and under that law Isaac Stephenson received the plurality of all votes cast for the office of United States Senator, and that Dane County was one of those counties that helped to roll up that plurality, I feel it my duty in carrying out the wishes of my constituents to vote for Hon. Isaac Stephenson.

Mr. SIMON SMITH. Mr. President, having still in mind the vote of my district and having great respect for the primary election law, I vote for Isaac Stephenson under protest.

Mr. WEHRWEIN. Isaac Stephenson, under protest.

Mr. WHITMAN. Isaac Stephenson, no protest.

Mr. ZIMMERMAN. Mr. Speaker, permit me to-day, as I did yesterday, to vote for the Hon. Henry Allen Cooper.

Mr. BALLARD. Mr. President, I wish to change my vote, under protest, for Isaac Stephenson.

The president said:

It appears from the records of the joint convention that no person has received a majority of the votes cast for United States Senator.

Gentlemen, what is your further pleasure?

Senator Randolph moved that the joint convention be now dissolved.

The ayes and noes being demanded, it was decided in the affirmative: Ayes, 75; noes, 55; absent or not voting, 3.

The vote was as follows:

Ayes—Senators Barker, Bishop, Blaine, Browne, Donald, Fridd, Gaylord, Husting, Kleczka, Krumrey, Lockney, Lyons, Marsh, Martin, Morris, Owen, Pearson, Randolph, Sanborn, and

Messrs. Ballard, Barnett, Berner, Bichler, Bradford, Brew, Brockhausen, Busacker, Chinnock, Comstock, Coolidge, Crowell, Curtiss, Doub, Domachowski, Dorner, Estabrook, Farrell, Fenelon, Georgi, Grosse, Haight, Hoyt, Hughes, Hull, Ingram, Johnson, Kalaher, Kamper, Kay, Kempf, Keup, Keyes, Kimball, Kindlin, Kneen, Lentz, Leuch, McConnell, Mortenson, Neitzel, Onstad, Roethe, Rollmann, Schmidt, Schwallbach, Scott, Smith, Simon, Stewart, Towers, Towne, Viebahn, Weber, Wehrwein, Wells, and Zimmerman—75.

Noes—Senators Bird, Bodenstab, Brazeau, Burke, Fairchild, Hudnall, Lehr, Page, Stout, Thomas, Whitehead and Wright, and

Messrs. Atwood, Bray, Buslett, Cady Benj. A., Cady Virgil, Chapple, Cleary, Culbertson, Disch, Egan, Erickson, Fisher, Hambrecht, Hammill, Harras, Ingalls, Irvine, Jones, Kubasta, Kull, Laycock, Ledvina, Le Roy, Marquardt, Nelson, Peterson, Philipps, Pickart, Ramsey, Reader, Reynolds, Shaw, Smith Frank, Stack, Stevens, Thomas, Twesme, Urquhart, Wellensgard, Whitman, Whittet, Wittig, and Mr. Speaker—55.

Absent or not voting—Senators Hazelwood, James, and Mr. Mains—3.

The senate retired and returned to the senate chamber.

ADJOURNMENT.

Upon motion of Senator Stout,

The senate adjourned.

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